

15. (Amended) A base for shipping and supporting an appliance of the type having an internal structural frame and at least one outer skin panel portion attached thereto, the base comprising:

a frame having one or more side edges adapted to extend adjacent one or more sides of the structural frame portion or outer skin panel portion of the appliance;

the relatively outer peripheral edge portion of at least one side edge of the frame being recessed relative to inner portion of the base along the at least one side, the recess of the outer edge along the at least one side creating a gap between the base and adjacent structural frame or side panel portion of the appliance supported thereon and permitting the outer edge to bow upwards without damaging the adjacent structural frame or side panel portion of the appliance.

REMARKS

General

Claims 1-20 were pending in this application at the time of the present office action. These claims 1-20 stand rejected. Claims 1, 4, 6 and 15 have been amended herein. Claims 1-20 remain pending after this amendment. Textual basis for the amendments to claims 1 and 15 is found in (at least) paragraphs [0008] and [0037], respectively. No new matter has been added by this amendment.

35 U.S.C. § 112

Claims 12 and 20 stand rejected on the ground that the specification did not support the feature that the bottom edge of the ribs is separated from the bottom wall of the socket. The rejection is respectfully traversed. A written description of the feature in question appears in paragraph [0031] at page 7, lines 21, 25, and 26: "The bottom 122 of the well is in the form of a spider.... In the embodiment shown, the fins ... are not attached to the arms of the spider." This feature is also shown in detail in the drawings, especially Figures 7 and 8. In Figure 7, note that on the left hand side of the well the plane of section passes through an arm 126 of the spider 124 forming the bottom 122 of the socket 120, and passes between two of the fins 130. On the right hand side of the well, the plane of section passes through a fin 130 and also passes between two of the arms 126 of the spider. In Figure 8, note the triangular gaps, between the arms 126 of the spider, surrounding the bottoms of the fins 130. Enlarged copies of the relevant parts of Figures 7 and 8 are attached for the examiner's reference.

Claims 6-8 stand rejected on the ground that the expression "a sufficient distance" in claim 6 is indefinite. The expression in question has been canceled from all claims, and this rejection is therefore believed to be moot.

35 U.S.C. § 102

Claims 1-3 and 15-16 stand rejected as anticipated by U.S. Pat. No. 6,294,114 (Muirhead) and U.S. Pat. No. 5,758,855 (Jordan). The examiner cites each of Muirhead and Jordan as disclosing "a base (Fig. 8 of Muirhead, Fig. 1 of Jordan) ... wherein the outer peripheral edge of each side of the frame is recessed ... creating a gap between the base and the adjacent portions of the above structure along each side thereof." However, in both Jordan and Muirhead, the "base" cited by the examiner is one layer of a multi-layer structure: in Jordan it is the lower layer; in Muirhead it is the middle layer. Both Muirhead and Johnson teach assembling the multiple layers and using the assembled structure as a base or pallet for carrying loads. The "gap" relied on by the examiner is then a space between two layers of the pallet and not a gap between the pallet and object supported by the pallet.

The present invention, as claimed in claims 1-3 and 15-16, in contrast, provides a shipping base in which the recessed edge creates a gap between the outer edge of the base and the portions of the appliance or object positioned directly above. There is no disclosure or suggestion in Muirhead or Jordan of a base structure that creates a gap between the edges of the base and the bodywork of an appliance mounted on the base. Indeed, Muirhead and Jordan teach away from the present invention. Blocks 72 in Fig. 1 of Jordan and the correspondingly positioned bosses in Figs. 7 and 8 of Muirhead obstruct the gap relied on by the examiner at exactly the point where it is most important, in the midpoints of the sides. For these reasons, the present invention as claimed is not suggested or disclosed by either Muirhead and Jordan.

Claims 1-7, 9, 11, 13-17 and 19 stand rejected as being anticipated by U.S. Pat. No. 5,950,545 (Shuert). Regarding the features of independent claims 1 and 15, from which claims 2-7, 16-17 and 19 depend, the examiner cites the part of the upper sheet 12 above the peripheral seam 18 of Shuert as "recessed ... creating a gap between the base and the adjacent portions of the above structure along each side thereof." However, claims 1 and 15 recite that the recessed edge forms a gap between the base and adjacent portions of *an appliance mounted on the base*. There is no disclosure or suggestion in Shuert of mounting

an appliance type object on the pallet 10. Shuert does not explicitly explain the use of his pallet, but the nine evenly-spaced legs suggest that it is to be used with an evenly-distributed load, and not with an appliance standing on feet at the corners. In order to emphasize the difference, claims 1 and 15 have been amended to recite explicitly that the gap serves to permit the edge of the base to bow or deflect upwards without making contact with the appliance. There is no disclosure or suggestion of that feature in Shuert. There is also no suggestion that Shuert's pallet might be used in a manner in which upward deflection of the edges of the pallet would be considered a problem. The projecting seam 18 makes Shuert's pallet unsuitable for uses in which a compressive force would be applied to the sides of the pallet, and might cause the sides to bow. For all of these reasons, the present invention as claimed in claims 1-7, 15-17 and 19 is not suggested or disclosed by Shuert.

Regarding the features of claim 9, the examiner states that "Shuert also discloses a plurality of sockets (12) defining open-ended wells in the frame wherein each of a socket comprises a plurality of flexible ribs (12i) projecting inwardly and vertically positioned from the internal side wall of the well." This statement is respectfully traversed. First, the ribs 12i of Shuert do not project inwardly. They project outwardly. This is best shown in Figure 4 of Shuert, where one of the ribs 12i is marked in a top plan view. Secondly, the ribs 12i of Shuert are not flexible. As stated in Shuert, "ribs 14k are intermeshed with ribs 12i to form a rigid twin sheet construction." (See col. 4, lines 24-25.) Shuert's construction is required to be rigid, so as to hold the two sheets together and to support the upper, load bearing sheet of the pallet. Manifestly, flexible ribs would be contrary to Shuert's purpose. Therefore, the present invention as claimed in claim 9 (and claims 11, 13 and 14 which depend from claim 9) is not suggest or disclosed by Shuert.

35 U.S.C. § 103

Claims 8, 10 and 18 stand rejected as obvious over Shuert in view of the prior art shown in Figure 11 of the present application. Applicants' Figure 11 is cited only as showing the additional feature of claims 8, 10, and 18 that the ribs are beveled. However, these claims are non-obvious considering the examiner's proposed combination for (at least) the same reasons that their respective base claims are patentable over Shuert alone.

The examiner contends that it would have been obvious to modify Shuert to include ribs that are beveled "since such beveled ribs are ... used in the same intended purpose to facilitate the insertion of the feet." The examiner is respectfully reminded that to establish a

case of obviousness the prior art must provide the teaching or suggestion to make the claimed combination. The “same intended purpose to facilitate the insertion of the feet” is not found in the prior art. The footwells shown in applicants’ Figure 11 are for insertion of the feet of an appliance, but the legs 12b of Shuert are not. There is no suggestion in Shuert to insert anything into the hollow interiors of the legs 12b. Those legs are provided to join the body portions 12a, 14a of the two sheets together, and to support the load-bearing surface of the body portions 12a. They are hollow merely for ease and economy of manufacture. Manifestly, there is no motivation to bevel the edges of the design in Shuert. Again, the present invention, as claimed in claims 8, 10 and 18, is not suggested or disclosed by the combination of Shuert and Figure 11 of the present application.

Claims 4-11, 13-14 and 17-19 stand rejected as obvious over Jordan or Muirhead in view of applicants’ Figure 11. With reference to claims 4, 6, 9 and 17 (from which claims 5, 7-8, 10-11, 13-14 and 18-19 depend), the examiner first asserts that the “admitted prior art teaches that each socket comprises a plurality of flexible ribs.” That is incorrect. The prior art of Figure 11 has rigid ribs. See page 2, lines 15-19 of the present application. There is no basis to depart from the present disclosure.

The examiner also asserts that it would have been obvious to apply the ribs of Figure 11 to Jordan or Muirhead “because this teaching would have enabled the sockets of Jordan or Muirhead to assist the insertion of the feet into the sockets.” That would not have been obvious, because inserting feet into the sockets (70, 72 – see page 4, line 8 of the office action) of Jordan or the sockets (in Figure 8 - see page 3, line 20 of the office action) of Muirhead would not have been obvious. In both Jordan and Muirhead, the “base” cited by the examiner is one layer of a multi-layer structure: in Jordan it is the lower layer; in Muirhead it is the middle layer. Both Muirhead and Johnson teach assembling the layers and using only the assembled structure as a base or pallet for carrying loads. Inserting a foot, or any other part of a load, into the formations identified by the examiner as “sockets” in Jordan and Muirhead would be both impractical and contrary to the clear teaching of those references.

In Jordan, the recesses 70, 72, 74 in the distributor pallet 20 are intended to receive only the legs 42, 44, 46 of the upper load pallet 30, which in turn receives the real load 32. Further, the recesses 70 at the corners must be very shallow, and a large part of the weight of the load must be applied at the center of the pallet, through leg 46, or the tensile member 26 will not function. It would not have been obvious to put an appliance with feet onto Jordan's pallet, because Jordan's pallet would not function properly with such a load. It would not have been obvious to add ribs to any of Jordan's recesses 70, 72, 74 because ribs would not have been appropriate to the purpose for which those recesses are actually intended, which is to receive the legs 42, 44, 46, which need to bear on the bottoms of the recesses.

In Muirhead, the component shown in Figure 8 has no recesses into which feet could be inserted. The nine bosses 334 have cavities molded in them, but with central load supporting columns that fill their entire height. In any case, as noted above, Muirhead's teaching is to cover the rigidizing structure 306 of Figure 8 with an upper deck 304, shown in Figure 7, that completely closes off any and all cavities in the rigidizing structure.

For all of these reasons, it is believed that the present invention, as now claimed in claims 4, 6, 9 and 17, was not obvious based on Johnson, Muirhead and applicants' Figure 11. Claims 5, 7-8, 10-11, 13-14 and 18-19 are dependent from claims 4, 6, 9 and 17 and, without prejudice to their individual merits, are believed to be non-obvious in view of these references for the same reasons as stated claims 1 and 9.

Conclusion

For the above reasons, it is respectfully submitted that the present invention as claimed in claims 1-20 is novel and non-obvious. Reconsideration of the rejections and an early notice of allowance of all claims are earnestly solicited.

Respectfully submitted,

JAMES E. JOHANSON *ET AL.*

BY:



THOMAS J. DURLING
Registration No. 30,480
DRINKER BIDDLE & REATH
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
Telephone: 215-988-3307
Fax: (215) 988-2757
Attorney for Applicant

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MARKED UP COPY OF AMENDED CLAIMS

1. (Amended) A base for shipping and supporting an appliance, comprising:
a frame having four sides, each side adapted to extend along the four sides of an appliance with the relatively outer peripheral edge portions of the base positioned adjacent the bottom surfaces of the appliance;

the outer peripheral edge of the base being recessed relative to inner portions of the base along at least one side thereof, the recess of the outer edge along the at least one side creating a gap between the base and adjacent portions of [the] an appliance supported thereon and permitting said outer peripheral edge of the base to deflect upwards without engaging the adjacent portions of the appliance.

4. (Amended) A base as claimed in claim 3, wherein the one or more sockets comprise:

a plurality of flexible ribs projecting inwardly from the internal sidewall of the well,

the ribs extending into the socket [a sufficient distance] to engage the appliance foot upon insertion into the well of the socket.

6. (Amended) A base as claimed in claim 1 further comprising:
one or more sockets defining open ended wells in the frame of the base for receipt of the feet of the appliance to be supported by the base,

the sockets having a plurality of flexible ribs projecting inwardly from the internal sidewall of the well,

the ribs extending into each socket [a sufficient distance] to engage an appliance foot upon insertion into the well of the socket,

the ribs capable of deforming in response to engagement with the foot of the appliance upon insertion into the well of the socket.

15. (Amended) A base for shipping and supporting an appliance of the type having an internal structural frame and at least one outer skin panel portion attached thereto, the base comprising:

a frame having one or more side edges adapted to extend adjacent one or more sides of the structural frame portion or outer skin panel portion of the appliance;

the relatively outer peripheral edge portion of at least one side edge of the frame being recessed relative to inner portion of the base along the at least one side, the recess of the outer edge along the at least one side creating a gap between the base and adjacent structural frame or side panel portion of the appliance supported thereon and permitting the outer edge to bow upwards without damaging the adjacent structural frame or side panel portion of the appliance.